

# **TOWNSHIP OF WELLINGTON NORTH**

## **PUBLIC MEETING - MINUTES**

**Monday, January 28, 2013**

The Second Public Meeting was held Monday, January 28, 2013 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider a Zoning Amendment application.

**Present:**

**Mayor: Raymond Tout**  
**Councillors: Sherry Burke**  
**Mark Goetz**  
**Andy Lennox**  
**Dan Yake**

**Also Present:**

**C.A.O./Clerk: Lorraine Heinbuch**  
**Executive Assistant: Cathy Conrad**  
**Township Planner: Linda Redmond**

**Mayor Tout called the meeting to order.**

**Declaration of Pecuniary Interest:**

None declared.

**Owner/Applicant: The Corporation of the Township of Wellington North**

**This second public meeting was held to consider a zoning amendment for “housekeeping” revisions.**

Re: The changes are of a general nature and apply throughout the Township of Wellington North.

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#### **The Purpose and Effect of the Application**

The purpose and effect of the proposed amendment is to provide for Township initiated “housekeeping” amendments to the Comprehensive Zoning By-law as itemized below:

- i) General typographical and mapping corrections.
- ii) Clarification of text for regulations such as non-complying uses, buffer areas, common amenity area, hobby barns, yard encroachments.
- iii) Add text to clarify the use of trailer boxes for storage or temporary uses.
- iv) Amend provisions for accessory uses, including clarifying number, size and location of structures.
- v) Provide regulations for accessory residential uses in a Highway Commercial zone.
- vi) Add new provisions to restrict dog kennels unless a site specific zoning amendment is obtained.
- vii) Add and update definitions,
- viii) Modify parking requirements related to street townhouse uses.

Please note – Section 34 (12) of the Planning Act.

Information – At a meeting under subsection (12), the Council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the Council with oral submissions at a public meeting or written submissions before a By-law is passed.

1. Notice for the original public meeting was sent to the required agencies and published in the Mount Forest Confederate and the Arthur Enterprise on November 21st, 2012 and in the Wellington Advertiser on November 23rd, 2012. Notice for this public meeting was sent to those requesting notice in writing on January 16th, 2013.

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2. Presentation by:

Linda Redmond, Planner, reviewed her comments dated January 23, 2013.

The following changes were made to the proposed housekeeping by-law as a result of the public meeting held at the December 17, 2012 Council meeting:

There are currently five active kennels within the Township that have obtained the appropriate approvals under the old system for a kennel license. With the introduction of the Keeping, Control and Licensing of Dogs within the Township of Wellington North By-law, combined with the restrictions for allowing kennels proposed under the zoning by-law, these kennels would become non compliant. In order to recognize these existing kennels so they may continue to operate within the parameters of the Zoning By-law we have included a site specific zoning on the properties that permits them to continue to have a dog kennel.

The changes proposed regarding the modular uses on lands located at Conestoga Estates, Spring Valley and Wellington Acres have been removed and will be addressed under a separate zone amendment.

Mr. Jens Dam raised a concern at the Public Meeting (December 17, 2012) that proper information was not available 20 days prior to the public meeting. He made reference to Section 17, subsection 19.1 of the Planning Act. This section relates to Official Plan Amendments, in which the draft amendment must be completed and made available 20 days before the public meeting. The following are the sections for information:

Section 17 of the Planning Act is located within Part III – Official Plans.

Section 17, subsection 19 – Timing of Public Meeting – The public meeting required under clause (15)(d) shall be held no earlier than 20 days after the requirements for giving notice have been complied with.

Section 17, subsection 19.1 – Information and material – The information and material referred to in clause (15)(c), including a copy of the current proposed plan, shall be made available to the public at least 20 days before the public meeting required under clause (15)(d) is held.

This above section is not applicable to the Housekeeping Zoning amendment.

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Section 34 of the Planning Act is located within Part V – Land Use Controls and Related Administration; this is the section that pertains to the Housekeeping Zone Amendment.

Section 34 – Zoning By-laws. Sub-section (12) – Information and public meeting; open house in certain circumstances, is applicable. Here, it is required that before passing a by-law under this section, sufficient information and material is made available to enable the public to understand generally the zoning proposal that is being considered by the council (sub section (12)(a)(i).

This section does not require information to be available to the public 20 days prior to the public meeting. In this case information was available on the Townships website at the same time that the information was available to Council. Also further clarification was provided at the public meeting. This is the normal practice for the Township and in most municipalities.

#### 1. Review of Correspondence received by the Township:

- Fred Natolochny, Supervisor Resource Planning, Grand River Conservation Authority, dated December 14, 2012
  - No objection
- Cherielyn Leslie, Environmental Planning Coordinator, SVCA, dated December 14, 2012
  - No objection
- Fred Natolochny, Supervisor Resource Planning, Grand River Conservation Authority, dated January 25, 2013
  - No objection
- Cherielyn Leslie, Environmental Planning Coordinator, SVCA, dated January 25, 2013
  - No objection
- GJ (Shep) Shepetunko
- Concerns regarding restricted uses of containers, truck bodies, trailers, etc.

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2. The by-law will not be considered at the Regular Council Meeting following the public meeting. Mayor Tout asked those wishing to receive further notices regarding this application to make their request in writing.
3. Mayor Tout opened the floor for any questions/comments.

Alan Sharpe, owner of 351 Foster St., Mount Forest (former Acme Ruler property), expressed his concern regarding the restriction of container units. This property is a substantial property that cannot be built on because of the storm drain. His son Ryan operates Sligo Road Mini Storage on the site. The mini-storage business on the property uses containers. It is the only mini storage in Mount Forest. When planning this business they approached the building department and the planner to come up with setbacks for the placement of the containers. Both the building department and planner were aware of the plan to place up to thirty of these units on the property. If work is needed on the municipal storm drain they would have to vacate the property. They would like to put up a building but can't because of the storm drain. They feel it would not be fair for them to have to pay for a zone amendment and go through meetings for the business located on the property.

Jens Dam, 8751 Concession 9, noted that the section regarding mobile homes was removed and questioned why it was there to begin with.

Ms. Redmond commented that the CBO had asked for clarification for modular homes. It was addressed in the draft by-law as site specific and was removed due to concerns from those property owners about limiting all additions. Staff will be meeting with those owners to come to terms with the issue. The property owners want to allow minor additions.

Mayor Tout added that the issue of additions that double the size of the units is the reason it was included in the draft zone amendment by-law.

Roxanne Caughill, 9103 Highway 6, expressed concerns regarding the use of trailers for storage. Their property had a zoning amendment that included allowing them to have two units for storage. How long would they be allowed to keep the trailers on their property with this amendment? They don't want to find out later that they have to remove the units. If they have to build for storage the taxes will increase. A lot of small businesses that are barely surviving are very concerned about this change.

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Mayor Tout suggested that there could be a time limit for people to build while using the units temporarily. If someone already has these units on their property those units would be okay. They are looking at rules and regulations for all. The planner has suggested that units that are there now will be allowed to stay. This issue should go to the Building and Property Committee for further discussion.

Phil Green, 9103 Highway 6, questioned the \$1,500 fee for a zone amendment to allow a trailer for storage. He felt this was too costly. MPAC has greatly increased their assessment, which will increase taxes.

Ms. Caughill questioned if allowing a trailer storage unit could be done through a minor variance rather than a zone amendment.

4. Comments/questions from Council.

Councillor Lennox requested clarification of the purpose of the amendment restricting the use of shipping containers.

Ms. Redmond explained that the containers are being used as buildings. There are no permits or approvals required. Site Plan approval is not available and set backs are not maintained. The units are not captured but the building permit process would catch these and would require proper approvals.

Councillor Goetz commented that the draft by-law states that these units are not allowed.

Ms. Redmond stated that they would have to go through a zone amendment to be allowed. If it is a temporary use they could be placed in a temporary use by-law.

Mayor Tout commented that this is being addressed because this is a system that has been abused. The units can still be used if they go through the planning process but they can't be put wherever the owner wants.

Ms. Redmond stated that it is a loophole. There is nothing to show them being used in compliance with zoning. They are being used as a building. She spoke with the CBO, and he would prefer to see the existing units as legal non-conforming.

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Councillor Lennox questioned what the process would be and would there be criteria.

Ms. Redmond explained that the process would be to apply for a zone amendment to ask permission to allow the container. The applications would be looked at case by case. Criteria would be set out in the Zoning By-law, i.e. uses for industrial zone.

Councillor Lennox commented that the fee of \$1,500.00 would detract businesses from expanding and using the structures temporarily for storage.

Ms. Redmond explained that there is a section that allows for temporary uses, such as on a construction site. Perhaps the temporary uses need to be expanded. This amendment is about people who put the units on their property for 1, 5, 10 or more years. If it is there that long then the property owner should build a building.

Councillor Yake agreed with Councillor Lennox that a different solution is needed. There are very few units in town and most are in rural areas where they are not highly visible. He requested deferral to be able to look for alternatives through discussion with the building department.

Council deferred adoption of the by-law pending a report and recommendation from the Building and Property Committee regarding storage trailers.

5. Adjournment 7:33 p.m.

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**C.A.O./CLERK**

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**MAYOR**